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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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RUTH CASTRO,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting  
Commissioner of Social Security,

Defendant.

**ORDER ADOPTING REPORT &  
RECOMMENDATION**

Case no. 2:12-cv-174-DN-EJF

District Judge David Nuffer

Magistrate Judge Evelyn J. Furse

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Before the court is Magistrate Judge Furse's Report & Recommendation<sup>1</sup> under 28 U.S.C. § 636(b)(1)(B) recommending that Plaintiff Castro be awarded her attorney's fees under the Equal Access to Justice Act.<sup>2</sup> Castro has filed an objection.<sup>3</sup> She does not object to the amount of the fees awarded, but only to the recommendation that the fees be paid directly to the claimant instead of her attorney. The court reviews the recommendation de novo.<sup>4</sup>

An award of attorney's fees under the EAJA belongs to the client and not to the attorney.<sup>5</sup> Although Castro purportedly assigned her rights to an award of attorney's fees to her counsel, the Magistrate Judge correctly pointed out that the Anti-Assignment Act<sup>6</sup> allows

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<sup>1</sup> Docket no. 34, filed June 7, 2013.

<sup>2</sup> 28 U.S.C. § 2412(d).

<sup>3</sup> Docket no. 36, filed June 23, 2013.

<sup>4</sup> 28 U.S.C. § 636(b)(1)(C).

<sup>5</sup> *Astrue v. Ratliff*, 130 S. Ct. 2521 (2010); *Manning v. Astrue*, 510 F.3d 1246 (10<sup>th</sup> Cir. 2007); *Brown v. Astrue*, 271 Fed. App'x 741, 743 (10<sup>th</sup> Cir. 2008).

<sup>6</sup> 31 U.S.C. § 3727(b).

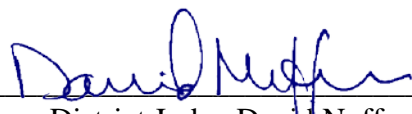
litigants to make such an assignment “only after a claim is allowed, the amount of the claim is decided, and a warrant for payment of the claim has been issued.”<sup>7</sup>

**ORDER**

The court has conducted a de novo review of the Magistrate Judge’s Report and Recommendation and adopts it in its entirety. The court **GRANTS** Castro’s application for attorney’s fees under the EAJA in the amount of \$2,475 to be paid directly to Ms. Castro.

Signed November 22, 2013.

BY THE COURT

  
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District Judge David Nuffer

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<sup>7</sup> 31 U.S.C § 3727(b); *Henderson v. Astrue*, No. 2:08-CV-678, 2013 WL 750820 (D. Utah Feb. 27, 2013).